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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

NO. 81-6818

EDWARD D. CHRISTENSEN, Appellant,

v.

STATE OF UTAH, Appellees.

ON APPEAL FROM THE

SUPREME COURT OF THE STATE OF UTAH

BRIEF OF APPELLANT IN OPPOSITION TO MOTION OF APPELLEE, TO AFFIRM

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This brief is filed pursuant to Rule 16 (4) of the Rules of the Supreme Court of the United States.

STATEMENT OF THE CASE

The statement of the case is omitted except to correct the following:

The trial was only partly by jury since the jury was not permitted to hear any law except that given by the court, and the court withheld all law favorable to the Appellant.

The trial in District Court was not a trial de novo, it was a stipulation of facts at a regular law and motion day. See Jurisdictional Statement, Appendix C.

QUESTIONS PRESENTED

The substance of the questions presented is whether the rights, privileges and immunities of the citizens of Utah supercede the police power of the state or whether the police power of the state supercedes everything, Federal and State Constitutions, decisions of this Court, oaths of office, due process of law and statistical facts?

ARGUMENTS

THE CONSTITUTIONAL RIGHTS, PRIVILEGES AND IMMUNITIES OF CITIZENS SUPERSEDE THE POLICE POWER OF THE STATES

The Supreme Court of Utah, and the lower courts, clearly erred in ruling that the police power of the state is superior to the privilege of equal protection of the law, as defined by this court, and other protections retained by the citizens.

The Appellees, public employees of Utah, through their attorney, speek from two faces. When they want to get on the public payroll, they take a solemn oath to support the Constitution of the United States and of the State of Utah. Once established on the public payroll, from the second face, they rebel against those same Constitutions by resisting their authority, and the interpretations of this court.

Again, they say that they want safety on the highways and that inspections provide that safety, and from the second face, they don't want all vehicles on the highways inspected. They want the status quo! (some vehicles inspected others not) and the police power to selectively prosecute.

The Appellees would have this court believe that safety inspections are responsible for highway safety. NOT SO! If this were true, there would be no accidents in states having safety inspection programs, and thousands of accidents in states having no safety inspection programs. This, of course, is not the case, there is no significant difference in the accident rates of states having inspection programs and states having none. Also OVER 99 PERCENT OF THE ACCIDENTS IN UTAH, INVOLVING UTAH VEHICLES, ARE IN INSPECTED VEHICLES.

This court knows, and so does the Appellees, that the major causes of accidents on highways are:

1. Driving under the influence of alchohol or drugs.
2. Excess speed for conditions.
3. Failure to yeald the right-of-way.
4. Road conditions.(ice, snow, water, oil, debris and pot-holes on and in highways) strong crosswinds get some large trucks.
5. Driver fatigue. (dozing)

It is then obvious that the true reasons for safety inspections are:

1. Subjugation of the citizens. (opposite of liberty)

2. Business and profit for inspection stations.

3. Revenue from fines, and taxes from inspection stations.

(in this respect this court should take judicial notice of the $100.00 fine taken from the Appellant and the $10.00 fine for the same offense, reported in the Richfield Reaper for May 12, 1982, appended as Exhibit A. The addition can only be a panalty for exercising Appellants right to redress his grievance.

SUMMATION

In summation, the Appellees want:

1. To take false oaths to get on the public payroll.

2. To rebel against provisions of the U. S. and Utah Constitutions and to hold their offices contrary to Section 3 of the Fourteenth Amendment of the U. S. Constitution.

3. To disregard this courts interpretation of the equal protection of the law clause and Article IV, Sec. 2 of the U. S. Constitution and other lower court decisions.

4. To disregard Article I, Sec. 24 of the Constitution of Utah. (uniform operation of laws)

5. To pass laws repugnant to the U. S. and Utah Constitutions.

6. To search effects (vehicles) without probable cause or warrants, contrary to the Fourth Amendment.

7. To discriminate in law enforcement.

8. To practice selective ticketing and prosecutions.

9. To send juries out of the court so they can't hear all of the law.

10. To withhold law beneficial to defendants from the juries.

11. To dictate what the law is to the juries.

12. To fine those who claim constitutional protections ten times that which they fine illegal aliens.

13. To penalize those who exercise their right to redress grievances, without trial on that issue.

14. To have this court reverse or subvert its own precedents.

In short, the Appellees want this court to approve a police state government in Utah. This Court should do no such thing.

CONCLUSION

In conclusion the Appellant respectfully asks this Court to uphold the U. S. and Utah Constitutions and its own rulings on the equal protection of the law clause by ruling that the Utah vehicle inspection statute does command a discriminatory result which is condemned by the Fourteenth Amendment and that it is null and void, that it conflicts with the uniform operation of the laws clause of the Utah Constitution and is likewise null and void.

That all persons within the jurisdiction of the State of Utah are entitled to equal protection from the state, largely because Article IV, Section 2, has from the beginning guarenteed the privileges and immunities of citizens in the several states. The Appellant further asks that this Court reverse his conviction and grant him any further protection of the law that the court may consider just and proper.

Respectfully submitted,

Edward D. Christensen

Edward D. Christensen
Appellant Pro Se

Dated: June 22, 1982

AFFIDAVIT OF MAILING

I hereby certify that a true copy of the foregoing Brief of Appellant in opposition to Motion of Appellee was mailed to the Attorney General of Utah 236 State Capitol, Salt Lake City, Utah on June 22, 1982, and that the original and 39 copies were mailed to the Court on the same date,

Edward D. Christensen

Edward D. Christensen
Appellant Pro Se

RICHFIELD REAPER MAY 12 1982

Action From Area

Courts

Tenth Circuit Court

A preliminary hearing in Tenth Circuit Court is set May 11 for an Elsinore, Utah man, charged with burglary and possession of a controlled substance.

Marcus Taylor, attorney, was appointed temporary public defender for Daniel L. Adams, 25, charged in connection with a May 2 incident at Randy's Auto Clinic. Adams' bail was continued at $1000.

Randall Smith, Mt. Pleasant, charged with checks against insufficient funds, had his case continued to May 11.

Mike Allred, Richfield, charged with two counts sale of a controlled substance, was found not indigent and was refused services of a public defender. Case was continued to May 11 for Allred to secure an attorney.

Harold Dale Morrill, Marysvale, in on a probation matter, told the court, he had paid $200 of a total $500 fine. Fine was to have been paid April 22.

Court accepted the $200 and ordered Morrill to pay the balance by May 14. He is still to serve weekends in jail until balance is paid off. If not paid by that date, then the jail sentence which was suspended, will be imposed.

Wesley Wade Welsh, 200 East 300 North, Richfield, charged with two counts, distribution of a controlled substance for value and one count theft of a Richfield Police fight bar has a preliminary hearing set June 15.

Dale J. Brown, Loa, forfeited $100 bail to the court after failing to appear May 4.

Verlene J. Brown, Loa, and wife of Dale, in on an order to show cause concerning possible revokation of probation, was ordered by the court to pay fines and restitution on checks. She had previously been given to July 1, 1981 to pay off a fine. She was cleared of any probation violation because the insurance company was slow in reimbursing her.

A bench warrant was served May 4 on Farren W. Kanosh, Richfield, for failure to appear for review of a $500 fine.

Calvin Lee Tist, 19, Richfield, who was to pay a $50 fine for speeding, Oct. 28, 1981, but failed to do so and after receiving another ticket for expired registration, Jan. 23, 1982 and failing to appear to either pay bail or set a court date, was fined a total $125 in traffic related fines May 4 and ordered to pay the amount by Aug. 1. A six month jail sentence was suspended on payment of fine.

In civil matters, Marcus Taylor, attorney for Carl Thurgood, plaintiff, Richfield, has been given a bench warrant against DeWayne Macfadden, defendant, Richfield.

Court found no cause of action and $25 for no driver's license. Jail time was suspended upon release to immigration May 8.

Merrall, defendant, Aurora, on a small claims affidavit and order was continued to May 11. Summerall was told to list his creditors to the court. If Summerall's bankrupicy schedule is not listed with the auto parts store as a creditor, the auto parts store will be given the judgement.

Jackie L. Williams, 22, 301 Carpenter, Akron, Ohio and Tony L. Rowe, 22, same address, charged with possession of a stolen credit card and possession of a controlled substance, plead guilty May 4, to attempted possession of marijuana.

Possession of a stolen credit card was dismissed. They were sentenced to 90 days in jail, all of which was suspended, except 14 days. Since the pair had served 14 days in jail, jail credit was given and they were released. No fine was imposed. They were put on probation to the court.

County Jail

Register of Arrests

County Jail arrest register

Clyde Coates Jr. 19, Gunnison, arrested for DUI May 1 by Salina Police was released on bail the same day.

Brent M. Merrell, 26, Fremont, arrested for DUI May 2 in Fremont by Utah Highway Patrol Roger Taylor, was released on his own recognisance May 3.

Mario H.M. Tarnsen, 34, Salt Lake City, arrested May 4 for illegal alien, no safety inspection, no driver's license, possession of marijuana, appeared before South Precinct Justice Court Judge Reed Blomquist and was fined $150, plus 30 days for possession of marijuana, was fined $50 for no inspection and $25 for no driver's license. Jail time was suspended upon release to immigration May 8.

Police Docket

A traffic accident, dog bite, sexual abuse case and vandalism were the main items on the police docket for April 30-May 6.

April 30, a juvenile was reported missing and had not returned home to Venice after school let out that evening. The youth was found Saturday in Richfield at his grandmother's home.

Sherrie Smith, Arizona, fell off the grandstand bleachers at Sevier County fairgrounds May 1, and was transported to Sevier Valley Hospital.

Kip Nielsen, Richfield, reported his vehicle had been vandalized, in which someone had written obscene words on his pickup with wax.

A forcible sexual abuse case was reported May 3 involving a four year old victim and a 14 year old Richfield boy. The 14 year old was referred to

NOTE →

Exhibit A